

Application Number 10/538634
Response to the Office Action mailed March 3, 2009

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Applicants respectfully submit that the response herein does not raise new issues. Entry and consideration for the claim amendments and remarks below are respectfully requested.

Claim 28 has been amended to be in an independent claim form and further amended to include the term "adhered" as supported by the specification at page 16, lines 14-21, and claim 1 has been canceled without prejudice. Accordingly, claims 3-11 have been amended editorially. Claims 29 and 30 have been amended to be in a form of an independent claim and include the term "adhered" as discussed for claim 28 above.

Claims 31-33 have been amended to be in an independent claim form and include the term "adhered" as discussed for claim 28 above, and claim 12 has been canceled without prejudice. Accordingly, claims 14-24 have been amended editorially.

Claims 7 and 18 have been amended to include the term "adhered" as discussed above for claim 28.

Claims 1, 3-12, 14-24, and 28-33 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

Claim 1 has been canceled, and claims 28-33 are in a form of independent claims.

Claim 28 includes a treatment of an inorganic micropowder with polysiloxane and at least one of fatty acids or derivative thereof dissolved in an organic solvent so as to provide an inorganic micropowder to whose surface polysiloxane and the fatty acid or derivative are adhered. The specification recites the inorganic micropowder whose surface

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is treated with polysiloxane and at least one of fatty acids or derivatives thereof, and the surface treatment may exclude the coupling agent (see page 16, lines 14-21 and page 17, lines 1-7 of the specification). Thus, claim 28 reciting the treatment agents of polysiloxane and fatty acids or derivatives thereof complies with the written description requirement.

Claims 29-33 also include the inorganic micropowder whose surface is treated with polysiloxane and at least one of fatty acids or derivatives thereof as discussed above for claim 28.

Claims 3-11, which depend from claim 28, and claims 14-24, which depend from claim 31, thus include the inorganic micropowder whose surface is treated with polysiloxane and at least one of fatty acids or derivatives thereof as discussed above, and accordingly, this rejection should be withdrawn.

Claims 1-5 and 28-30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino et al. (U.S. Patent Application Publication No. 2004/0058258). Applicant respectfully traverses this rejection.

Yoshino discloses a toner composition including an inorganic micropowder whose surface is treated with alkoxysilane or polysiloxane and then, treated with a fatty acid metal salt (seepage 7, para. [0073]). Yoshino, however, fails to disclose the inorganic powder whose surface is treated with polysiloxane and at least one of fatty acids or derivative thereof as claim 28 recites.

Claims 29-30 also include the inorganic micropowder treated with polysiloxane and a fatty acid or its derivative that Yoshino does not disclose. Accordingly, claims 28-30 are distinguished from Yoshino.

Claims 3-5, which depend from claim 28, also are distinguished from Yoshino for at least the same reasons as discussed for claim 28 above. Accordingly, this rejection should be withdrawn.

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In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance.



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DPM/JAL/my/ad

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